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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 29, 2005 Signature: Richard H. Anderson

(Richard H. Anderson)

Docket No.: 30572/40755  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Fritz Appel et al.

Application No.: 10/021,684

Filed: December 11, 2001

For: METHOD FOR THE TREATMENT OF  
METALLIC MATERIALS



Confirmation No.: 9199

Art Unit: 1742

Examiner: S. Ip

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated June 3, 2005, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

*xl2*

New claims 22-31 follow the language of claims 12-21, but substitute the language "without extrusion pressing" (which is distinguished from the claimed method at page 3, second full paragraph, and elsewhere throughout the specification). Since the specification distinguishes the claimed method from extrusion pressing, there is no new matter in adding "without extrusion pressing" to new claims 22 to 31, particularly since extrusion pressing clearly does not substantially maintain the form of the blank.

Since each of the prior art references requires extrusion, and for the reasons set forth above, it is submitted that new claims 22 to 32 patentably distinguish over the prior art of record.

It is submitted that all claims 12 to 32 are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

A check in the amount of \$120.00 is enclosed for a one month Extension of Time fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 30572/40755 from which the undersigned is authorized to draw.

Dated: September 29, 2005

Respectfully submitted,

By Richard H. Anderson

Richard H. Anderson

Registration No.: 26,526

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